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## COMMUNITY PLANNING

### Planning Commission Recommendations to the Clark County Board of Commissioners

FROM: Jeff Wriston, Chair  
Dick Deleissegues, Vice-Chair  
Clark County Planning Commission

DATE: September 19, 2006

SUBJECT: Amendment to UDC 40.260.165 and 40.230.010 to establish  
siting criteria for Opiate Substitution Treatment Facilities.

RECOMMENDATION: **Approval** of the siting criteria in the draft ordinance excluding  
sub-section "B".

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#### INTRODUCTION

Opiate Substitution Treatment Facilities are defined by the Growth Management Act (GMA) as Essential Public Facilities and, as such, local jurisdictions may not preclude the siting of such facilities. Local jurisdictions can, however, establish siting criteria to ensure compatibility with a given neighborhood.

#### BACKGROUND

In 2005 the Board of County Commissioners established a Clark County Community Advisory Council (CCCAC) to forward community recommendations regarding the siting of Opiate Substitution Treatment Facilities and directed staff to establish criteria in compliance with state law. Staff received recommendations from the committee and began work on a draft ordinance to implement the suggested amendments to the Unified Development Code (UDC).

Staff met with several stakeholders in the process including representatives from the Clark County Public Health, the State Department of Social and Health Services, Division of Alcohol and Substance Abuse (DASA), and CRC Health Group, Inc. to review the proposed ordinance. During these discussions it was discovered that DASA had scheduled a public hearing to amend WAC 388-805 governing State Certification Requirements for Chemical Dependency Service Providers. The proposed amendments to WAC 388-805 closely match the recommendations from the CCCAC including the requirement at 388-805-020 (2) for "a completed community relations plan developed in consultation with the legislative authority or their designee to minimize the impact of the opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located. The plan must include documentation of strategies used to:

- (a) Obtain stakeholder input regarding the proposed location;
- (b) Address any concerns identified by stakeholders; and
- (c) Develop an ongoing community relations plan to address new concerns expressed by stakeholders as they arise".

WAC 388-805-035 (6) requires the provider to "Hold at least one public hearing in the county in which the facility is proposed to be located and one public hearing in the area in which the proposed public facility is to be located". Any relocation plans by a service provider will be subject to the same rules as a proposed new facility and will be enforced by the State.

DASA held a public hearing on the proposed amendment to WAC 388-805 on April 25, 2006 at 10am in Lacey, Washington. The proposed rules were adopted with an anticipated effective date of June 23, 2006.

Because most of the CCCAC recommendations are addressed by the new State requirements, staff believes including them in the Clark County ordinance would be onerous to a potential service provider.

As the UDC is currently written a proposal for siting an Opiate Substitution Treatment Facility would be reviewed under UDC 40.230.010 – 1 as an "outpatient clinic" which are permitted by right in the C-3, C-L and C-H zones. No public notice is currently required for these types of facilities. An outpatient clinic would be conditional use in the CR-2 and C-2 zones. They are expressly prohibited in the CR-1 zone. The proposed ordinance seeks to make these types of facilities Type II decisions because they require public notification and invite comments from surrounding property owners in the permitted zones. Opiate Substitution Treatment Facilities, if approved, shall only be permitted in C-2, C-3, C-L and C-H zones.

The proposed ordinance was presented to the Clark County Planning Commission at a public hearing held July 13, 2006 at Vancouver City Hall. The Planning Commission considered the staff report, written testimony submitted to the record and concerned individuals who spoke before the commission. The Planning Commission forwarded a recommendation of approval to the Board, with deletion of sub-section "B".

## **RECOMMENDATION**

**Approval** of the proposed ordinance with the deletion of sub-section "B".

#### **40.260.165**

### **Opiate Substitution Treatment Facilities**

The purpose of this section is to establish regulations describing the siting criteria for Opiate Substitution Treatment Facilities.

The Growth Management Act ( R.C.W. 36.70A.200) defines Opiate Substitution Treatment Facilities as Essential Public Facilities and, as such, no local government regulations may preclude the siting of such facilities.

A. Opiate Substitution Treatment Facilities, where permitted, shall be Type II uses per the requirements of 40.520.020 – Administrative Decisions, and shall be subject to the requirements contained in subsections ~~B~~, and C below.

~~B. No Opiate Substitution Treatment Facility shall be sited within 1000 feet of the following:~~

- ~~1. Public and private schools and their associated grounds;~~
- ~~2. Public parks;~~
- ~~3. Places of worship such as mosques, synagogues, temples, and churches;~~
- ~~4. Public libraries;~~
- ~~5. Other Opiate Substitution Treatment Facilities.~~

C. The proposed project shall comply with all applicable provisions of the Unified Development Code (Title 40), all other provisions of the County Code, SEPA, and other federal, state, and local statutes, codes and ordinances.

Table 40.230.010-1. Uses							
	CR-1	CR-2	C-2	C-3	CL	CH	Special Standards
<b>1. Residential Uses.</b> Residential uses are only permitted in commercial zones when integrated with the predominant use of the site as commercial and occupying less than fifty percent (50%) of the floor area of the project. The residential uses must be constructed following or in conjunction with the commercial aspects of the proposal. For the purposes of subsections (1)(a) and (1)(b) of this table, "commercial uses" are those uses listed in items (2), (3), (4), (7), (8), (9), (11), (12), (14), (15) and (17) of this table.							
a. Medium density (Integrated multifamily/commercial or mixed use structure not to exceed 22 residential units per acre.)	X	X	P	P	P	P	<u>40.260.150</u>
b. High density (Integrated multifamily/commercial or mixed use structure not to exceed 43 residential units per acre.)	X	X	C	P	P	P	<u>40.260.150</u>
c. Existing residences without any increase in density	P	P	P	P	P	P	
d. Home business – Type I	P	P	P	X	X	X	<u>40.260.100</u>
e. Home business – Type II	R/A	R/A	R/A	X	X	X	<u>40.260.100</u>
f. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A	R/A	R/A	R/A	<u>40.260.050</u>
g. Bed and breakfast establishments (3 or more guest bedrooms)	C <sup>1</sup>	C <sup>1</sup>	C	C	C	C	<u>40.260.050</u>
h. Temporary dwellings	P	P	P	X	X	X	<u>40.260.210</u>
i. One (1) single-family residence in conjunction with a use permitted outright or by conditional use	P	P	P	X	X	X	
<b>2. Retail Sales – Food.</b>							
a. Markets in excess of 25,000 square feet gross floor area	X	X	C	P	P	P	
b. Markets – 5,000 to 25,000 square feet of gross floor area	C <sup>1</sup>	P	P	P	P	P	

c. Markets – < 5,000 square feet of gross floor area	P	P	P	P	P	P	
d. Bakery – primarily retail outlet (> 10,000 square feet of gross floor area)	X	X	X	X	P	P	
e. Bakery – primarily retail outlet (< 10,000 square feet of gross floor area)	P	P	P	P	P	P	
3. Retail Sales – General.							
a. General retailer (over 200,000 square feet gross floor area)	X	X	X	C	C	P	
b. General retailer (100,000 – 200,000 square feet)	X	X	X	C	P	P	
c. General retailer (25,000 – 100,000 square feet gross floor area)	X	X	X	P	P	P	
d. General retailer (under 25,000 square feet gross floor area)	X	P	C	P	P	P	
e. Single purpose/specialty retailers (less than 10,000 square feet gross floor area)	P	P	P	P	P	P	
f. Single purpose/specialty retailers (10,000 – 25,000 square feet gross floor area)	X	C <sup>1</sup>	X	P	P	P	
g. Single purpose/specialty retailers (greater than 25,000 square feet gross floor area)	X	X	X	C	P	P	
h. Yard and garden supplies, including nurseries	P	P	X	P	P	P	
4. Retail Sales – Restaurants, Drinking Places.							
a. Restaurants, with associated drinking places, alcoholic beverages	C <sup>1</sup>	P	C	P	P	P	
b. Drinking places, alcoholic beverages (with or without entertainment)	C <sup>1</sup>	C <sup>1</sup>	C	C	P	P	
5. Retail Sales and Services – Automotive and Related.							
a. Motor vehicle dealers, new	X	C <sup>1</sup>	X	X	P	P	

and used, including auto, truck trailer, boat, recreational vehicles and equipment							
b. Quick vehicle servicing	X	C <sup>1</sup>	X	C	P	P	
c. Filling station	C <sup>1</sup>	C <sup>1</sup>	C	C	C	P	
d. Motorcycles	X	C <sup>1</sup>	X	C	P	P	
e. Manufactured home sales	X	X	X	X	X	P	
f. Car washes	X	C <sup>1</sup>	X	C	P	P	
g. Vehicle rental or repair including auto, truck trailer, boat, and recreational vehicles							
(1) Located entirely within an enclosed building	C <sup>1</sup>	C <sup>1</sup>	X	X	P	P	
(2) Including outside storage or repair	X	C <sup>1</sup>	X	X	C	P	
h. Commercial off-street parking facilities	X	X	X	P	P	P	
i. Vehicle towing and storage services	X	C <sup>1</sup>	X	X	C	P	
j. Transportation terminals							
(1) Freight	X	C <sup>1</sup>	X	C	C	P	
(2) People	P	P	P	P	P	P	
6. Retail Sales – Building Material and Farm Equipment.							
a. Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold	C <sup>1</sup>	C <sup>1</sup>	X	X	X	P	
b. Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)	X	C <sup>1</sup>	X	C	P	P	
c. Hardware, home repair and supply stores (over 100,000 square feet gross floor area)	X	X	X	X	P	P	
d. Hardware, home repair and supply stores (25,000 to 100,000 square feet gross floor area)	X	X	X	C	P	P	

e. Hardware, home repair and supply stores (under 25,000 square feet gross floor area)	X	P	C	P	P	P	
f. Farm equipment and implement dealer	P	P	X	X	X	P	
g. Hay, grain, and feed stores	P	P	X	X	P	P	
7. Retail Sales – Products (Finished product retailers with primary fabrication or assembly on-site. Within an entirely enclosed building.)							
a. Uses of < 5,000 square feet gross floor area	C <sup>1</sup>	C <sup>1</sup>	X	P	P	P	
b. Uses of 5,000 – 25,000 square feet gross floor area	X	C <sup>1</sup>	X	R/A	P	P	
c. Uses of 25,000 square feet gross floor area or greater	X	X	X	X	P	P	
8. Services – Personal.							
a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	C <sup>1</sup>	P	P	P	P	P	
b. Barber and beauty shops	P	P	P	P	P	P	
c. Clothing rental establishments	X	X	X	P	P	P	
d. Mortuaries	C <sup>1</sup>	C <sup>1</sup>	X	X	C	P	
9. Services – General.							
a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (< 2,500 square feet)	P	P	P	P	P	P	
b. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (> 2,500 square feet)	X	X	X	P	P	P	
c. Office equipment and home appliance rental, service and repair agencies	X	C <sup>1</sup>	X	X	P	P	
d. Printing, publishing and lithographic shops	X	C <sup>1</sup>	X	X	P	P	

e. Services to buildings (including dwellings), cleaning and exterminating	X	X	X	C	C	P	
f. Moving and storage	X	X	X	X	X	P	
g. Mini-warehouse	X	X	X	X	P	P	
h. Auction barns	C'	C'	X	X	X	P	
i. Branch banks	C'	P	P	P	P	P	
j. Event facilities (< 10,000 square feet)	X	P	P	P	P	P	
k. Event facilities (10,000 to 50,000 square feet)	X	X	X	P	P	P	
l. Event facilities (> 50,000 square feet)	X	X	X	X	C	C	
m. RV storage	X	X	X	X	P	P	
10. Services – Lodging Places.							
a. Hotels/motels	X	X	X	C	C	P	
b. Recreational vehicle parks and campgrounds	X	C'	X	X	X	P	
11. Services – Medical and Health.							
a. Hospitals	X	X	X	X	X	C	
b. Outpatient clinics	X	C'	C	P	P	P	
c. Medical laboratories	X	X	X	C	P	P	
d. Sanitaria, convalescent and rest homes	X	X	X	X	X	C	
e. Orthopedic equipment and supplies, rental, sales and services	X	X	X	P	P	P	
f. Animal hospitals and veterinary clinics							
(1) Outside animal activities	C'	C'	X	X	C	C	
(2) Inside animal activities only	C'	C'	C	P	P	P	
g. Ambulance services	P	P	P	P	P	P	
h. Residential care homes	C'	C'	C	C	C	C	
i. Residential and congregate care facilities	X	X	X	C	C	C	
j. Opiate Substitution Treatment Facilities	X	X	R/A	R/A	R/A	R/A	40/260/165
12. Services – Professional Office.							



a. Professional offices (< 10,000 square feet gross floor area)	C <sup>1</sup>	P	X	P	P	P	
b. Professional offices (> 10,000 square feet gross floor area)	X	C <sup>1</sup>	X	C	P	P	
c. Artists/photographic studios	C <sup>1</sup>	C <sup>1</sup>	P	P	P	X	
13. Services – Amusement.							
a. Amusement centers	X	X	X	X	C	C	
b. Bowling alleys, billiard and pool parlors, and video arcades	X	X	X	C	P	P	
c. Skating rinks, ice and/or roller	X	X	X	X	P	P	
d. Theaters, indoor	X	X	X	C	C	P	
e. Drive-in theaters, stadium and arena facilities	X	X	X	X	X	C	
f. Athletic, health and racket clubs (< 5,000 square feet of gross floor area)	P	P	P	P	P	P	
g. Athletic, health and racket clubs (< 10,000 and > 5,000 square feet of gross floor area)	X	X	C	C	P	P	
h. Athletic, health and racket clubs (> 10,000 square feet of gross floor area)	X	X	X	C	P	P	
i. Circuses, carnivals, or amusement rides	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A	R/A	R/A	R/A	<u>40.260.060</u>
14. Services – Educational.							
a. Nursery schools, preschools	C	C	C	C	P	P	<u>40.260.160</u>
b. Day care facilities consistent with Chapter 388-73 WAC	P	P	P	P	P	P	<u>40.260.160</u>
c. Libraries (< 2,500 square feet gross floor area)	P	P	P	P	P	P	
d. Libraries (> 2,500 square feet gross floor area)	X	C	X	C	P	P	
e. Vocational schools	X	X	X	C	P	P	
f. Artistic studios and schools including but not limited to dance, music and martial arts (< 5,000 square feet)	P	P	P	P	P	P	
g. Artistic studios and schools including but not limited to	X	X	X	P	P	P	

dance, music and martial arts (> 5,000 square feet)							
h. Public parks, parkways, recreation facilities, trails and related facilities	P	P	P	P	P	P	
i. Public/private educational institutions	C <sup>1</sup>	C <sup>1</sup>	C	C	C	C	
15. Services – Membership Organizations.							
a. Business, professional and religious (not including churches)	X	X	X	P	P	P	
b. Civic, social, fraternal, charitable, labor and political (< 5,000 square feet)	P	P	X	P	P	P	
c. Civic, social, fraternal, charitable, labor and political (> 5,000 square feet)	C <sup>1</sup>	C <sup>1</sup>	X	P	P	P	
d. Churches	C <sup>1</sup>	C <sup>1</sup>	C	P	P	P	
16. Distribution Facilities. (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building)							
a. Distribution facilities of less than 25,000 square feet gross floor area	X	X	X	X	P	P	
b. Distribution facilities of between 50,000 and 25,000 square feet gross floor area	X	X	X	X	X	P	
17. Public Services and Facilities.							
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations	C <sup>1</sup>	C <sup>1</sup>	C	C	C	C	
b. Sewer, water and utility transmission lines	P	P	P	P	P	P	<u>40.260.240</u>
c. Wireless communications facilities	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	<u>40.260.250</u>
d. Zoos, museums, historic and cultural exhibits and the like	C <sup>1</sup>	C <sup>1</sup>	X	C	C	C	
e. U.S. Post Offices	P	P	P	P	P	P	

f. Public transit facilities including park and ride facilities	P	P	P	P	P	P	
18. Resource Activities.							
a. Agriculture	P	P	P	P	P	P	<u>40.260.040</u>
b. Silviculture	P	P	P	P	P	P	<u>40.260.080</u>
19. Accessory Uses and Activities.							
a. On-site hazardous waste treatment and storage facilities, subject to state siting criteria (RCW 70.105.210).	P	P	P	P	P	P	
b. Drive-through, drive-in or drive-up facilities	X	R/A <sup>1</sup>	X	R/A	R/A	P	
c. Open Air Activities							
(1) Open air display of plants and produce in conjunction with a permitted use <sup>2</sup>	P	P	P	P	P	P	
(2) Open air storage of materials <sup>3</sup>	X	X	X	X	X	P	
(3) Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title <sup>4</sup>	P	P	P	P	P	P	
(4) Open air storage of company vehicles, such as cars and light duty trucks, in conjunction with a permitted use <sup>5</sup>	X	X	X	X	X	P	
20. Other Uses.							
a. Temporary uses	P	P	P	P	P	P	<u>40.260.220</u>

b. Private use heliports	X	X	X	C	C	C	<u>40.260.170</u>
c. Solid waste handling and disposal sites	C <sup>1</sup>	C <sup>1</sup>	C	C	C	C	<u>40.260.200</u>

<sup>1</sup> In addition to the requirements of Sections 40.520.020 or 40.520.030, the applicant shall submit detailed information that permits the review authority to make findings that:

- a. The proposed use will support the natural resource activities and/or the needs of the rural community;
- b. The proposed use is limited in size to serve primarily the surrounding rural community and does not require or create the need for urban levels of service for water, sewer and transportation; and
- c. The proposed use is primarily for convenience and service needs necessary to support natural resource activities and/or the rural community and will not cause adverse impacts on surrounding natural resource activities.

<sup>2</sup> These areas must be identified and approved on the site plan.

<sup>3</sup> Such areas must be located behind buildings or to the rear of the site and away from street frontages and fully screened with landscaping to the L-4 standard.

<sup>4</sup> These uses are permitted to occupy up to ten percent (10%) of the total floor area of the development or building. Open air sale of vehicles and manufactured homes are not subject to this requirement, where permitted. This is not intended to prohibit temporary outside sales of a limited duration (less than two (2) weeks total per year) when in conjunction with a permitted use.

<sup>5</sup> Vehicle storage areas shall be located behind buildings or to the rear of the site. Landscaping standards in excess of site plan review standards may be required in order to properly screen adjoining residential lands.

<sup>6</sup> See Table 40.260.250-1.

(Amended: Ord. 2004-06-11; Ord. 2005-04-12)